

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



JAN K. YAMANE  
EXECUTIVE DIRECTOR  
AND LEGAL COUNSEL

**AGENDA**

Date: January 18, 2017  
Time: 11:30 a.m.  
Place: Kapālama Hale  
1<sup>st</sup> Floor Conference Room  
925 Dillingham Boulevard  
Honolulu, Hawaii 96817

RECEIVED  
CITY AND COUNTY OF HONOLULU  
2017 JAN 11 PM 3:25

**MEMBERS OF THE PUBLIC ARE ENCOURAGED TO SPEAK  
AND/OR SUBMIT WRITTEN TESTIMONY ON ANY AGENDA ITEM**

**ORDER OF BUSINESS**

- I. Call to Order, Public Notice, Quorum
- II. New Business
  - A. Chair's Report
    1. Announcements, Introductions, and Correspondence
    2. For Action: Approval of Open Session Minutes of December 21, 2016
    3. For Action: Approval of Executive Session Minutes of December 21, 2016

The Commission may convene an executive session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), to consult with the Commission's attorneys regarding questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary
2. Statistics – Complaints, Requests for Advice
3. Budget
  - a. FY2017 Operating Budget – None.
  - b. FY2018 Operating Budget Request – None.
4. Ethics Training Program
5. Charter Amendment Question #2 – Propose Legislation to Conform ROH Sec. 3-6.4
6. Audit – None.

C. Rule-Making – None.

- D. For Discussion and Adoption: DRAFT Advisory Opinion 2017-01, Do “Independent Expenditures” Made by Super PACs for the Benefit of a City Officer Create a Conflict of Interest Under Revised Charter of Honolulu (RCH) Section 11-102.1(a)?

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- E. For Discussion: Are the Conclusions in Advisory Opinion No. 76 (December 21, 1977) Still Correct Under Current Laws?

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- F. For Discussion and Adoption: DRAFT Advisory Opinion 2017-02, Does the Honolulu Ethics Commission Have Jurisdiction to Decide:

- I. Whether a Councilmember's Receipt of 40 Percent or More of Campaign Contributions by a Special Interest Group Creates a Conflict of Interest When the Councilmember Has to Make Official Decisions Affecting the Special Interest Group; and

2. If Question 1 is Answered in the Positive, Were the City Council's Five Votes Approving the Ho'opili Project (Bill 3, 2015) Invalid?

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- G. For Discussion and Action: Request for Reconsideration of Material Submitted in support of Agenda Items II.D, E, and F, at the December 21, 2016 Ethics Commission Meeting and for Further Analysis Under RCH Section 11-104.

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### III. Executive Session

- A. For Discussion: Kealoha v. Totto, Civil No. 16-1-1166 GWBC in the Circuit Court of the First Circuit, State of Hawaii

Pursuant to Section 92-5(a)(4), HRS, the Commission will consult with the Commission's attorneys regarding questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- B. For Discussion: Independent Ethics Investigator Retained Due to Conflict of Interest

Pursuant to Section 92-5(a)(4), HRS, the Commission will consult with the Commission's attorneys regarding questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

### IV. For Discussion: Strategic Planning

### V. Adjournment

## **SPEAKER REGISTRATION**

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number and agenda subject matter via email at [ethics@honolulu.gov](mailto:ethics@honolulu.gov); or by calling 768-7787 or 768-7791.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following the

oral testimonies of the registered speakers.

Each speaker is limited to a three-minute presentation on each item.

### **WRITTEN TESTIMONY**

Prior to the Day of the Meeting: Testimony may be emailed to [ethics@honolulu.gov](mailto:ethics@honolulu.gov) or faxed to 768-7768.

On the Day of the Meeting: Submit 10 copies of written testimony to Commission staff.

Individuals who require special needs accommodations are invited to contact the Honolulu Ethics Commission at 768-7787, via facsimile at 768-7768, or email [ethics@honolulu.gov](mailto:ethics@honolulu.gov) at least 4 **working days** in advance of the meeting.

All handouts will be posted at [www.honolulu.gov/ethics/meetings.html](http://www.honolulu.gov/ethics/meetings.html)